

Analysis of Criminal Offences on Copyrights and its Applications in Indonesia

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ABSTRACT

Copyright is a work of someone's imagination, who has exclusive rights in the use of his or her copyrighted work so that if there are parties who will use the copyright for commercial purposes, they must first obtain a license (license) from the creator or his proxies and pay royalties. Any party who does not obtain a license as mandated by UUHC will be subject to legal sanctions, both civil and criminal. Copyright crime occurs when someone announces or reproduces a work for commercial purposes without permission from the Creator or Copyright Holder is an infringement and such violation will be subject to criminal sanctions in accordance with the provisions of Article 112 of Law Number 28 of 2014. Criminal offenses in law no. 28 of 2014 concerning Copyright is a complaint offense so that the investigating apparatus cannot take action against parties suspected of committing criminal offenses without a report from the injured party, where this is very detrimental to the rights of the creator in the form of economic rights and moral rights, while in law no. 19 of 2002 concerning Copyright, the regulation of criminal offenses is an ordinary offense, and the investigative apparatus (police and prosecutors) can directly take action against parties committing copyright crimes.

Keywords: Copyright, criminal offense, legal sanctions.

INTRODUCTION

The advancement of science and technology will have an influence on human activities such as innovating and being creative by giving birth to works of imagination in the shape of music or songs, novels, and other publications. The author is legally protected, and anybody who intends to use it for commercial purposes must first get a permission (license) from the creator or his proxies. Based on the Rome Convention (1961), which stresses protecting performers, sound recording producers for sound recording works, and broadcasters for broadcast works. According to the terms of the Rome Convention, the author is legally protected from the use of copyrighted work performed by another person without permission for commercial purposes. Copyright is a work of someone's imagination that is poured into the form of music and songs, as well as books and other writings, so that the creator has exclusive rights that arise automatically after the copyright is registered in accordance with the provisions of the legislation and contains economic rights. as well as moral rights Copyright is defined as "the exclusive right of the author that emerges spontaneously based on declaratory principles once a work is manifested in a physical form without decreasing limits in accordance with the rules of laws and regulations" in Article 1 point 1 of Law no. 28 of 2014.

In Auteurswet 1912 Article 1 stipulates that: "Copyright is the sole right of the Creator or the right of the person who has the right, on the results of his Creation in the fields of literature, knowledge, and art, to publish and reproduce it keeping in mind the restrictions determined by law. Copyright (*auteursrecht*) is a Dutch law that has been enforced in Indonesia since 1912 based on the principle of concordance (Sopha Maru Hutagalung-2012). After the entry of Indonesia as a member of the Bern Convention, several changes have been made to this copyright in accordance with the times and to the digital era which is adjusted to the provisions of Trade Related Intellectual Property Rights (TRIPs), namely:

1. Law Number 6 of 1982
2. Law Number 7 the Year 1987
3. Law Number 12 of 1997
4. Law Number 19 of 2002
5. Law Number 28 of 2014

Provisions addressing the use of a copyrighted work for commercial purposes are necessary or required to acquire consent (license) from the author and/or his proxies, as well as to pay compensation in the form of royalties, under copyright legislation. As specified in the copyright laws, it will be subject to serious legal repercussions, both civil and criminal.

Criminal acts in the field of copyright will cause harm to the creator and/or copyright holder, so legal efforts to resolve it are required to avoid the occurrence of this crime, which is carried out through a criminal justice process that begins with the stages of research, investigation, prosecution, examination, and decision in court. At this stage of the investigation, the investigator will conduct an analysis by gathering data and evidence, as well as statements from witnesses and experts, in order to conclude that there is sufficient evidence of the existence of elements of an alleged criminal act to elevate the examination to the level of an investigation. Thus, at this point in the inquiry, detectives have predicted the presence of a suspect for the intended crime.

According to the rules of article 1 number 2 of Law Number 8 of 1981 governing the Criminal Procedure Code, an investigation is a sequence of investigative acts. In this scenario, the law requires that evidence be sought and collected so that the crime that happened and the suspect may be identified.

RESEARCH METHODS

In this study using normative legal research methods, namely research conducted with an approach to documented and declared legal norms, normative legal research is also called doctrinal legal research, which in this study was often conceptualized as what is written in legislation (law in the book) or law that is conceptualized as a rule or norm that is a benchmark for community behavior towards what is considered appropriate (Jonaedi Efendi and Johnny Ibrahim-2018).

Normative legal research (Soerjono Soekanto and Sri Mamudji 1985), includes the following: (1) Research on legal principles, (2) Research on legal systematics, (3) Research on vertical and horizontal synchronization, (4) Comparative research on law and (5) Legal history research.

In completing this writing task, (1) Primary legal materials are used, namely Primary legal materials are legal materials that are authoritative in nature, which means that they have authority consisting of statutory regulations, official records, or minutes in the making of laws and regulations and decisions. judge's decision (Peter Mahmud Marzuki - Kencana, 2009), (2) Secondary legal materials, namely all publications on a law that are not official documents. Publications on law include textbooks, legal dictionaries, legal journals, and comments on court decisions (Peter Mahmud Marzuki-2009) and 3) Tertiary Legal Materials, namely materials that provide instructions and explanations of legal materials primary and secondary, for example, law dictionaries, encyclopedias, cumulative indexes, and so on (Bambang Sunggono-2016)

RESULT AND DISCUSSION

Copyright is the outcome of human intellect in the domains of science, art, and literature. Copyright originates naturally when a work is created. Copyright is a civil right that is tied to the creator. Copyright is a private right. The justification is that creation is born from the creator's creation. Creations that result from the creator's imagination and inventiveness. Copyright must be created by humans, not something that already existing outside of the activity or as a result of human innovation. The definition of copyright has been described in article 1 paragraph 1 of Law Number 28 of 2014 concerning Copyright (UUHC) as follows: "Copyright is the exclusive right of the creator that arises automatically based on declarative principles after a work is realized in a tangible form without reducing restrictions. in accordance with the provisions of the legislation."

Copyright has given creators considerable authority, which are proprietary rights associated to copyrighted works in the disciplines of literature, art, and science such as written works, musical works, paintings, sculptures, and so on. In essence, copyright is the creator's right to profit the numerous works created (Bernard Nainggolan -2011). The party utilizing this copyright must first get a license from the inventor or his proxies by giving remuneration in the form of royalties for the use of the Economic Rights of a Work or Related Rights Product (article 1 point 21 UUHC). Copyright is a right associated to the creator that includes economic and moral rights, such as the need that anyone performing an act of playback, reproduction, or others for commercial purposes first get permission (license) from the author or his proxies and pay royalties. Those who breach the creator's rights described above shall face civil and criminal penalties under the UUHC. As a result, anyone who wishes to use this copyright must first obtain permission (license) from the creator or his proxies. A UUHC license is a written permit granted by a copyright holder or related right owner to another party to exercise economic rights over his creation or related rights products under certain conditions in exchange for royalties, namely compensation for the use of economic rights of a work or related rights product. obtained from the creator or owner of the relevant rights.

The administration of economic rights was governed by UUHC Number 28 of 2014, which mandates the National Collective Management Institute (LMKN) to collect royalties for the use of copyrighted songs and music works in Indonesia. LMKN is an entity having the ability to remove, collect, and distribute royalties, as well as manage the interests of authors and owners of associated rights in the sphere of songs and music. The regulation of LMKN as a non-APBN government assistance agency with attribution power from the Copyright Law to remove, collect, and distribute royalties, as well as manage the economic rights of authors and owners

of related rights in the sphere of songs and music. (Permenkumham No. 36 of 2018 on Procedures for Application and Issuance of Operational Permits and Evaluation of Collective Management Institutions), which was also reinforced by Government Regulation No. 56 of 2021 on the Management of Copyright and/or Music Royalties (PP No. 56 of 2021).

With the formation of this LMKN, it is hoped that all LMK in Indonesia will join LMKN to facilitate monitoring in collecting royalties from business actors. LMK is an institution in the form of a non-profit legal entity that is authorized by the creator, copyright holder, and/or related rights owner, to manage their economic rights in the form of collecting and distributing royalties. Currently, there are only 9 LMK that have obtained operational permits from the Menkumham, namely Royalty Anugerah Indonesia (RAI), Karya Cipta Indonesia (KCI), Wahana Musik Indonesia (WAMI), Indonesian Music License Center (SELMI), Protection of Singers and Recording Musicians. Indonesia (PAPPRI), Indonesian Dangdut Royalty Award (ARDI), Indonesian Music Award (ARMINDO, Star Music Indonesia (SMI), Indonesian Copyright Reproduction Association (PRCI) (<https://www.hukumonline.com/berita/a/kenali-collective-management-organization-implementing-governance-royalty-copyright-in-Indonesia>)

The number of royalty rates carried out by business actors in economic interests based on the Decree of the Minister of Law and Human Rights (Kepmenkumham) Number HKI.2.OT.03.01-02 of 2016 is as follows:

1. Organizing commercial seminars and conferences of IDR 500.000/day.
2. Restaurants and cafes are determined based on each seat per year with a price of IDR 60.000 for creator royalties and related rights royalties.
3. Pubs, bars, and bistros are determined for each square meter/year at the amount of IDR 180 thousand for creator royalties and related rights royalties.
4. Nightclubs and discotheques are determined each square meter/year at a rate of IDR 250.000 each square meter/year for creator royalties, and IDR 180.000 each square meter/year for related rights royalties.
5. Music concerts, namely 2% of gross ticket sales + 1% of free tickets.
6. Free music concerts, 2% of music production costs.
7. Airplanes, buses, trains, and ships, namely the number of passengers multiplied by 0.25% of the lowest ticket price multiplied by the duration of the music multiplied by the percentage of the level of music usage.
8. Exhibition and bazaar (IDR 1.5 million/day).
9. Cinema (IDR 3.6 million each screen/year).
10. Call waiting tone (IDR 100.000 each telephone connection/year).
11. Banks and offices (IDR 6.000 each square meter/year).
12. Supermarkets, supermarkets, malls, shops, distributions, beauty salons, fitness centers, sports arenas and showrooms are counted as follows:
 - a) The first 500 square meter room will be charged IDR 4,000/meter (for songwriter royalties) and IDR 4,000/meter (for related rights royalties)
 - b) The next 500 square meter room will be charged IDR 3,500/meter (for songwriter royalties) and IDR 3,500/meter (for related rights royalties)
 - c) The next 1,000 square meter room will be charged IDR 3,000/meter (for songwriter royalties) and IDR 3,000/meter (for related rights royalties)

- d) The 3,000 square meter room is then charged IDR 2,500/meter (for songwriter royalties) and IDR 2,500/meter (for related rights royalties)
 - e) A 5,000 square meter room is then charged IDR 2,000/meter (for songwriter royalties) and IDR 2,000/meter (for related rights royalties)
 - f) A 5,000 square meter room is then charged IDR 1,500/meter (for songwriter royalties) and IDR 1,500/meter (for related rights royalties)
13. Recreation center (1.3% ticket price times number of visitors in 300 days times percentage of music use).
14. Free indoor recreation center (IDR 6 million per year).
15. For owners of hotels and hotel facilities, the number of royalties is:
- a) Number of rooms 1-50 subject to royalty rate of IDR 2 million/year
 - b) The number of rooms 51-100 is subject to a royalty rate of IDR 4 million/year
 - c) The number of rooms 101-150 is subject to a royalty rate of IDR 6 million/year
 - d) The number of rooms 151-200 is subject to a royalty rate of IDR 8 million/year
16. The number of rooms above 201 is subject to a royalty rate of IDR 12 million/year
- Resorts, exclusive hotels, and boutique hotels are subject to a lumpsum royalty rate/year of IDR 1.6 million.
17. For Karaoke Business, the calculation is as follows:
- a) Karaoke without a room (hall) IDR. 20 thousand per room/day
 - b) Family karaoke IDR 12 thousand per room/day
 - c) Karaoke Exclusive IDR 50 thousand per room/day
- By calculating 50% for copyright and 50% for related rights.
- d) Karaoke cube (Booth) the calculation for copyright and related rights is IDR. 300 thousand per cube/year.
18. Calculation of radio broadcasting institutions, namely 1.15% of advertising revenue or subscription fees for the previous year.
19. Non-commercial radio and RRI are subject to a royalty rate of IDR. 2 million per year.
20. The calculation of television broadcasting institutions is 1.15% of advertising revenue or subscription fees for the previous year.
- Payments for television broadcasting institutions are divided into 3 (three) categories, namely:
- a) Music television is subject to a 100% royalty rate.
 - b) Information and entertainment television is subject to a 50% royalty rate
21. News and sports television are subject to a 20% royalty rate. Non-commercial local television is subject to a royalty rate of IDR. 10 million per year. With a calculation of the distribution of IDR 6 million for copyright and IDR 4 million for related rights.

To collect royalties, the government has determined a party that represents the creator in carrying out the collection of the creator's economic rights as stipulated in the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 36 of 2018 concerning Procedures for Application and Issuance of Operational Permits and Evaluation of Collective Management Institutions for business actors. Those who do not pay their obligations to pay royalties as a result of the act of playing and playing music and song copyrighted works may be subject to civil or criminal sanctions. In this discussion, we will focus on criminal acts that can be imposed on business actors who play and listen to copyrighted music and songs without permission from the creator or their attorney.

Moeljatno stated that criminal law is part of the overall law that applies in a country that provides the basics and rules for (Fitri Wahyuni-2017):

1. Determine which actions should not be carried out which are prohibited and accompanied by threats or sanctions in the form of certain crimes for those who violate them
2. Determine when and in what cases those who have violated the prohibitions can be imposed or imposed as threatened
3. Determine in what way the imposition of the punishment can be carried out if there are people who have violated it.

Based on the definition of criminal law above, it can be concluded that criminal law is a law that regulates:

1. There is a prohibition to performing an act;
2. There is a legal witness in the form of a crime;
3. Procedures for determining criminal sanctions;

A criminal act is an act that violates the prohibition regulated by the rule of law which is threatened with criminal sanctions. The terms offense, *strafbaar feit*, criminal events, and criminal acts, as well as criminal acts, have the same meaning, namely an act that is prohibited by the rule of law, and the prohibition is accompanied by threats and sanctions in the form of a crime that violates the prohibition. According to Fitri Wahyuni, crime is a term that contains a basic understanding in legal science, as a term that is formed with awareness of giving certain characteristics to criminal law events. Criminal acts have an abstract meaning from concrete events in the field of criminal law, so criminal acts must be given a scientific meaning and clearly defined to be able to separate them from the terms used in everyday life.

Crime comes from a term known in Dutch criminal law, namely *strafbaar feit*. Although this term is found in the Dutch WvS, as well as the Dutch East Indies WvS (KUHP), there is no official explanation of what is meant by *strafbaar feit*. Thus, jurists try to give the meaning and content of the term. Unfortunately, until now there has been no uniformity of opinion. Foreign experts on Criminal Law use the term criminal act or criminal act or criminal event, with the term *strafbaar feit* being a criminal event; *strafbare handlung* translated as a criminal act, used by German criminal law scholars; and criminal act is translated by the term criminal act. C.S.T. Kansil said an offense is an act that violates the law, and therefore it is against the law that is carried out intentionally by a person who can be held accountable.

In criminal law there are 2 (two) types of criminal offenses, namely:

Ordinary offense

Ordinary offense Is a criminal offense that can be processed directly by law enforcement officials (the Prosecutor's Office and the Police) without any reporting from the aggrieved party or victim. In this offense, even though the victim has reconciled with the suspect, the legal process cannot be stopped and continues to court, for example in criminal acts as referred to in articles 338 and 362 of the Criminal Code.

In ordinary offenses, violations of the freedom of others are restored through state actions to defend the public interest (private interests of every citizen) based on objective evidence of one/all elements of the offense. However, in the complaint offense, there is a violation of the

freedom of others which is restored through state action on the basis of complaints from the injured party/interest to defend the private interests of the injured/interested party based on subjective evidence of one/all elements of the offense.

Complaint offense

A complaint offense is an offense that is processed if there is a complaint from a party who feels aggrieved (victim), so that law enforcement officers (prosecutors and police) cannot take any action against the criminal violation, as stipulated in Article 72 of the Criminal Code in Chapter VII of the Criminal Code concerning filing and withdrawing return of complaints in the case of crimes that are only prosecuted on complaints:

- a) As long as the person affected by a crime can only be prosecuted on a complaint, and that person is not yet sixteen years old and not yet an adult, or as long as he is under custody for reasons other than waste, then his legal representative in civil cases right to complain.
- b) If there is no representative or the representative himself who must be reported, the prosecution is carried out on the complaint of the supervisory guardian or supervisory supervisor, or the assembly that is the supervisory guardian or supervisory supervisor; it may also be against the complaint of his wife or a blood relative in a straight line, or if not there, on the complaint of a blood relative in a deviant line to the third degree.

The submission of the report or complaint is regulated in Article 74 paragraph (1) of the Criminal Code "Complaints may only be filed within 6 (six) months after the person entitled to complain finds out that a crime has occurred if he resides in Indonesia, or within 9 (nine) months if residing abroad". In this complaint offense, the injured party (victim) can withdraw (revoke) the report, if the injured party and the reported party make a family settlement as referred to in Article 75 of the Criminal Code.

This complaint offense consists of (Yati Nurhayati – 2014)

1. An absolute complaint offense is an offense that can only be processed if there is a complaint. Examples are contained in articles 284, 287, 293, 310, 332, 322, and 369 of the Criminal Code (KUHP).
2. A relative complaint offense is an offense that usually does not become a complaint offense but can become a complaint offense if it is reported by relatives as stipulated in Article 367 of the Criminal Code. Articles that constitute relative complaint offenses in the Criminal Code are Articles 367, 370, 376, 394, 404, and 411. In this case, the guilty person can be prosecuted selectively and not all of them must be reported.

The emergence of a copyright crime is caused by the actions or actions of a person or business actor who plays and plays and reproduces music and song copyrighted works for commercial purposes without the consent of the creator or his proxy as referred to in Article 43 to Article 49 of the Law. -Law Number 28 of 2014 concerning Copyright. Many of these copyright crimes are committed by individuals and/or business actors by piracy of recorded music and songs in the form of CDs, VCDs, and DVDs, and playing and playing music and songs in their business locations such as hotels, transportation, karaoke, & cafes. and others without the permission of the creator or his proxies, so that in this action he does not pay taxes and royalties to the creator or his proxies. For actions taken as mentioned above, a civil legal process will be carried out

which will be processed through a commercial court and a criminal case will be processed through a district court.

A copyright crime is an act committed by a person by means of announcing or reproducing a work for commercial purposes without the permission of the Author or Copyright Holder can be punished under Article 72 UUHC Number 19 of 2002:

1. Whoever intentionally and without rights commits the acts as referred to in Article 2 paragraph (1) or Article 49 paragraphs (1) and (2) shall be sentenced to imprisonment for a minimum of 1 (one) month and/or a fine of at least 1 (one) million rupiah, or a maximum imprisonment of 7 (seven) years and/or a maximum fine of IDR 5,000,000,000.00 (Five billion rupiah).
2. Whoever intentionally broadcasts, exhibits, listens to, or sells to the public a work or goods resulting from a Copyright or Related Rights infringement as referred to in paragraph (1) shall be subject to a maximum imprisonment of 5 (five) years and/or a maximum fine of IDR 500,000,000.00 (Five hundred million rupiahs)
3. Anyone who intentionally and without rights reproduces the use for commercial purposes of a computer program shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of IDR 500,000,000.00 (Five hundred rupiahs).
4. Anyone who intentionally violates Article 17 shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of IDR 1,000,000,000.00 (One billion rupiah).
5. Whoever violates Article 19, Article 20, or Article 49 paragraph (3) shall be sentenced to a maximum imprisonment of 2 (Two) years and/or a maximum fine of IDR 150,000,000.00 (One hundred and fifty million rupiah).
6. Anyone who intentionally and without rights violates Article 24 or Article 55 shall be sentenced to a maximum imprisonment of 2 (Two) years and/or a maximum fine of IDR 150,000,000.00 (One hundred and fifty million rupiah).
7. Anyone who intentionally and without rights violates Article 25 shall be sentenced to a maximum imprisonment of 2 (Two) years and/or a maximum fine of IDR 150,000,000.00 (One hundred and fifty million rupiah).
8. Whoever intentionally and without rights violates Article 27 shall be sentenced to a maximum imprisonment of 2 (Two) years and/or a maximum fine of IDR 150,000,000.00 (One hundred and fifty million rupiah).
9. Anyone who intentionally and without rights violates Article 28 shall be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of IDR 1,500,000,000.00 (one billion five hundred million rupiahs).

Meanwhile, UUHC number 28 of 2014, states that anyone who without rights and/or without permission of the creator or copyright holder violates the economic rights of the creator for commercial purposes as referred to in article 9 paragraph (1) can be punished as referred to in Article 113:

1. Everyone who unlawfully violates the economic rights as referred to in Article 9 paragraph (1) letter i for commercial use shall be sentenced to a maximum imprisonment of 1 (one) year and/or a maximum fine of IDR 100,000,000.00 (One hundred million rupiahs).
2. Any person who unlawfully violates the economic rights as referred to in Article 9 paragraph (1) letter c, letter d, letter f, and/or for commercial use shall be punished with

imprisonment for a maximum of 3 (Three) years and/or a maximum fine of IDR 500,000,000.00 (Five hundred million rupiahs).

3. Any person who without rights and/or without permission of the Author or Copyright holder commits a violation of economic rights as referred to in Article 9 paragraph (1) letter a, letter b, letter e, and/or letter g for commercial use shall be punished with imprisonment for a maximum of 4 (Four) years and/or a maximum fine of IDR 1,000,000,000.00 (One billion rupiah).
4. Everyone who fulfills the elements as referred to in paragraph (3) which is committed in the form of piracy, shall be sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of IDR 4,000,000,000.00 (Four billion rupiahs).

The parties involved in the settlement of criminal disputes in the field of copyright of music and songs are:

1. Creator or copyright holder.
2. Persons and business actors who are subject to the law are parties who carry out the act of reproducing, and playing music and song copyrighted works without permission
1. Those who commit the criminal acts as referred to in points (1) and (2) above shall be subject to criminal penalties as regulated in Law Number 28 of 2014, subject to imprisonment or fines, namely imprisonment for a maximum of 10 (Ten) years and/or a maximum fine of IDR 4,000,000,000.00 (four billion rupiahs) even if it is an alternative and a complaint offense.
2. Consumers who buy CDs, VCDs, and DVDs for copyrighted music and songs, which are produced without rights (illegal)
3. Authorized and competent organizations such as the Indonesian Publishers Association (IKAPI), Indonesian Recording Industry Association (ASIRI), Indonesian Computer Users Association (IPKIN), Indonesian National Recorder Association (APNI), Chamber of Commerce and Industry (KADIN), Industry Association Indonesian Computers (AIKI), Video Recording Industry Association (ASIREVI), Indonesian Recording Music Maker Artist Association (PAPPRI), Indonesian Film Company Association (PPFI), Karya Cipta Indonesia Foundation (YKCI) and others.
4. Law enforcers such as Special Investigators (PPNS Depkeh Directorate General of HKI), General Investigators (Polri), Public Prosecutors (Prosecutors), and judges who adjudicate music and song copyright cases.

ANALYSIS

Criminal offense in the Copyright Act 2002:

1. Article 66 of the Copyright Law 2002, essentially states that the state has the right to file criminal charges against Copyright infringement, in this case, it can be concluded that the criminal offenses in this Law are ordinary offenses, which can be processed directly by investigators without approval or reporting from victims or injured parties.
2. Based on the provisions of this Law, law enforcement officers (the prosecutor's office and/or the police) have a very important role in taking action against parties who violate the rights of the creator.
3. This law has accommodated the economy and morals of creators around the world
4. A criminal case can be processed without the consent or report of the injured party (the victim). In ordinary offenses, even though the victim has reconciled with the suspect, the legal process cannot be stopped. The legal process continues until the court. For

example, in Article 338 and 362 of the Criminal Code, if the crime is ensnared in Article 338 or 362 of the Criminal Code, the legal process must continue.

Criminal offense in Copyright Law 2014:

In this law, it is clearly stated in article 120 "Criminal acts as referred to in this law constitute a complaint offense" Based on these provisions it is understood that copyright infringement can only be filed by the party who is harmed as a result of the copyright infringement in question.

The application of the complaint offense in Law Number 28 of 2014 concerning Copyright has reduced the rights and obligations of law enforcement officials (prosecutors and/or police) in taking direct action against parties who violate the economic rights and moral rights of the creator and do not pay attention to international agreements. in the field of copyright. One thing or another, article 120 of Law no. 28 of 2014 concerning Copyright, according to the author, has weaknesses, including:

1. Does not mention specifically and unequivocally, who can make a complaint.
2. Does not explicitly accept economic and moral rights, especially creators from outside Indonesia
3. Law enforcement officials (prosecutors and police) are not passive, that is, they can only take legal action if there is a complaint report.

CONCLUSION

According to the definition given above, copyright is the creator's exclusive right to grant other parties permission (license) to play and listen to their copyrighted works for commercial purposes and receive compensation in the form of royalties in accordance with the provisions of the legislation. The Indonesian government has imposed civil and criminal penalties on those that breach copyrighted music and songs.

Against criminal offenses, as referred to in UUHC No. 28 of 2014, which is a complaint offense, is particularly unsuitable to be applied in Indonesia, given that many music and song composers still live or dwell in places where the parties who play and listen to musical works cannot be immediately monitored. as well as music for commercial use Something or something for the Republic of Indonesia, which is quite large and consists of various islands that have not been fully reached for social media and internet flows, making it difficult for authors to learn about the usage of their copyrighted works.

In any case, the notion of complaint offense is meaningless in copyright offenses since it would impede law enforcement for copyright infringement from abroad creators because law enforcers cannot take action if there is no complaint from the party responsible. injured, hence the Indonesian government should reduce this complaint offense to an ordinary offense, as specified in UUHC No. 19 of 2002.

To complete the transition of this complaint offense into a regular offense, the government must prepare human resources in the prosecutor's office, police, and other state civil apparatus, as well as provide a thorough understanding of copyright and strict legal witnesses against parties who violate the creator's economic and moral rights. as stated in Article 1 of UU HC no. 19 of 2002 "Copyright is the exclusive right for the Creator or the recipient of the right to announce

or reproduce his work or give permission for it without reducing the restrictions according to the applicable laws and regulations."

The concept of ordinary offenses is the best to apply in criminal acts UUHC is ordinary offenses because it can adopt all the interests or economic rights and moral rights of creators around the world, because law enforcers (prosecutors and police) can act proactively in taking legal action against the party who infringes copyright in this case.

SUGGESTION

1. It is preferable if criminal activities in UUHC are carried out on the basis of regular violations, so that the apparatus can swiftly initiate legal procedures against those that breach copyright.
2. It is preferable for the government to increase human resources for taking action against copyright infringement, including police, prosecutors, and state civil officials.
3. The government gives instruction or seminars on copyright law enforcement to all law enforcement personnel and other state officials.
4. It is preferable for the government to charge parties who reproduce and reproduce without the permission of the creator or their attorney with the crime of hostage taking (*gijzeling*) until all royalties and taxes incurred in connection with the crime committed in connection with copyright are paid.

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